REMARKS

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested. Pursuant to 37 CFR § 1.121, attached as Appendix A is a Version With Markings to Show Changes Made.

With respect to the objection to the drawings under 37 C.F.R. § 1.83(a), applicant respectfully believes that the failure of the U.S. Patent and Trademark Office ("PTO") to recognize that the reinforcing element is shown in the drawings may have been due to the fact that the terms "reinforcing element" and "reinforcing member" were used interchangeably throughout the specification and claims. Thus, the specification and claims have been amended to refer to "reinforcing element" only. Accordingly, in view of this amendment and the fact that the reinforcing element 40 can be identified in Figures 6, 10, and 12, applicant submits that the above objection is improper and should be withdrawn.

The rejection of claims 19-27 and 33 under 35 U.S.C. § 103(a) for obviousness over U.S. Patent No. 4,186,539 to Harmon et al. ("Harmon") is respectfully traversed.

Harmon discloses a modular building panel fabricated with longitudinally extending marginal edge portions of mating tongue and socket configurations for enabling interfitting assembly of adjacently disposed panels. The tongue and socket edge portions of each panel are provided with respective interlocking bead and groove conformations for cooperative interlocking engagement for securing adjacently disposed panels in assembled relationship.

As amended, the claims of the present application are directed to a "building system including a building panel and a separate reinforcing element . . . wherein said edge regions extend inwardly of . . . opposite major surfaces of said panel and across each end edge of . . . core to provide for interconnection of the panel with another panel . . . and each edge region of the panel is profiled to form a pair of connecting elements which extend across the end edges of said core . . . wherein the reinforcing element . . . is secured in place by locating said reinforcing element between and in connection with the interfitting connecting elements of each panel to conceal the reinforcing element which is operative to improve the load bearing characteristics of the interconnected panels." Harmon is cited as teaching the reinforcing element by the regions which appear to be the bases of the U-shaped channels ("where 16 and 17 points to"). However, as stated at column 4, lines 24-32 of Harmon,

channels 16 and 17 are provided for mechanical coupling of the two opposed sheet metal skins 13 and 14 of each panel and are securely assembled with the respective skins either through mechanical coupling or by utilization of other appropriate fastening means. By contrast, the reinforcing element of the claimed invention is arranged to be installed at a joint formed on connection of one panel with another panel and is secured in place by locating it between the interfitting connecting elements of each panel (see Figures 6, 10, and 12). Thus, Harmon fails to disclose a "reinforcing element between . . . the interfitting connecting elements of each panel" as required by claim 19 of the present invention. Harmon is also cited as teaching the interfitting connecting elements by the area which are the lateral extensions of the socket and tongue ("where 20 and 23 points to"). However, lateral extensions 20 and 23 of Harmon do not "extend inwardly of . . . opposite major surfaces of said panel and across each end edge of . . . core to provide for interconnection of the panel with another panel" as recited by claim 19 of the present invention (see column 4, lines 52-67 and Figures 2 and 3 of Harmon). Further, lateral extensions 20 and 23 of Harmon are not "profiled to form a pair of connecting elements which extend across the end edges of said core" as recited by claim 19. Therefore, Harmon fails to disclose a building system including a building panel and a separate reinforcing element "wherein . . . said edge regions extend inwardly of . . . opposite major surfaces of said panel and across each end edge of . . . core to provide for interconnection of the panel with another panel . . . and each edge region of the panel is profiled to form a pair of connecting elements which extend across the end edges of said core" as required by claim 19 of the present invention.

Col. 4, lines 24-28 indicate the channels 16,17 are for structural stiffening. Struct. stiff is considered reinforcing.

The outstanding office action, on page 4, also makes references to 21 and 17 shown in Harmon as teaching different components of the reinforcing element, i.e., spaced apart engagement parts and a web, respectively, and to 18 shown in Harmon as teaching the reinforcing element. However, as shown in Figures 1-4 of Harmon, flange 21 and channel 17 are securely assembled to the respective sheet metal skins 13 and 14 of the panel, forming an integral part of each panel and, thus, are not "separate" to the panel. Furthermore, neither flange 21 nor channel 17 is located "between and in connection with" the interfitting connecting elements of each panel which "extend across the end edges of the core" and "extend inwardly of the opposite major faces of the panel," as required by the claims of the present invention. Nor is the bead 18 of Harmon separate to the panel or located between and in connection with the interfitting connecting elements of each panel which extend across the

end edges of the core and extend inwardly of the opposite major faces of the panel. Therefore, Harmon fails to teach a "separate" reinforcing element that is "secured in place by locating said reinforcing element between and in connection with the interfitting connecting elements of each panel," as required by the claims of the present invention.

While acknowledging on page 4 of the outstanding office action that Harmon does not disclose a "separate" reinforcing element, the PTO states that it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the reinforcing element separate, since there is no criticality to the part being separate.

There is no suggestion in Harmon of a building system including a building panel and a separate reinforcing element. Harmon is mainly directed to providing an improved fluid impervious seal between adjacent assembled building panels by attaching sealing strips to the panel structure, and does not have the separate reinforcing element of the present invention, which improves the load bearing characteristics of the interconnected panels. The advantages of locating the reinforcing element between the interfitting connecting elements is that it improves the load bearing characteristics of the interconnecting panels at the joint. Contrary to the PTO's assertion, the "separate" nature of the reinforcing element is important for a number of reasons. First, as discussed at page 6, lines 5-7, page 7, lines 6-8, and page 13, lines 17-26 of the specification, the "separate" reinforcing element of the present invention permits the reinforcing element to be installed at a joint between interconnected panels, as necessary, i.e., when the load bearing requirements of the panels necessitate greater load bearing capabilities. Thus, in cases where reinforcement is only required in certain sections of a wall formed of building panels, the claimed invention facilitates the reinforcement of only those sections of the wall, whereas the modular building panel of Harmon does not. This, in turn, means that the cost and labor associated with using reinforcing elements can be incurred only as required and not necessarily with every panel in a panel wall. Furthermore, the separate nature of the reinforcing element allows the element to be chosen for the level of reinforcing required. As shown in Figures 6, 10, and 12 of the present application, different forms of reinforcing elements can be provided, and the size, gauge and material of those elements can affect the level of reinforcement. Harmon fails to suggest or appreciate these advantages of a building panel with the claimed features.

Since Harmon fails to disclose or suggest a building system including a building panel and a separate reinforcing element where the edge regions of the panel extend

inwardly of opposite major surfaces of the panel and across each end edge of the core to provide for interconnection of the panel with another panel and each edge region of the panel is profiled to form a pair of connecting elements which extend across the end edges of the core where the reinforcing element is secured in place by locating the reinforcing element between and in connection with the interfitting connecting elements of each panel to conceal the reinforcing element which is operative to improve the load bearing characteristics of the interconnected panels, as claimed, the rejection based on Harmon is improper and should be withdrawn.

The rejection of claims 13-15 under 35 U.S.C. § 103(a) for obviousness over U.S. Patent No. 4,937,125 to Sanmartin et al. ("Sanmartin") in view of U.S. Patent No. 5,536,778 to Kreckel et al. ("Kreckel") is respectfully traversed in view of the above amendments and the following remarks.

Sanmartin discloses a sandwich panel designed for making multilayer structures resistant to shocks and thermal aggressions. The multilayer structure is of the type with a core interposed between an external skin and an internal skin. The external skin consists of an assembly of at least three layers made integral by sealing or bonding: a first layer made of composite material, a second layer made of a synthetic cellular material with a low thermal conductivity coefficient, a third layer obtained by lamination of a composite material. Sanmartin discloses that the composite material of the first and third layers consists of glass or aramide fiber reinforced resins, and the second layer is made of a thermoplastic material chosen from the group including polypropylene, polyethylene and their copolymers, etc. The core consists of a plate of polystyrene, polyurethane, polyvinylchloride or polyethylene foam. The internal skin is identical to the external skin or consists of a metal plate, for instance aluminum or a thermoplastic resin reinforced with glass, carbon or aramide fibers.

Kreckel discloses a pressure sensitive adhesive having cellulose, a method for preparing such adhesive, as well as products manufactured by using the pressure sensitive adhesive. Products include self-supporting sheet materials or sheet materials arranged on a flexible backing in form of a film, a tape, or ribbon that has the pressure sensitive adhesive. Kreckel discloses a variety of samples that were used to test the adhesive properties of the adhesive.

Claims 14 and 15 (which are dependent from amended claim 1) of the present invention are directed to a "building panel of sandwich construction comprising a core and a metal sheet substrate . . . said metal sheets having a plasterboard paper covering bonded thereto, and wherein each said metal sheet includes opposite edges which are shaped to form edge regions of the panel, which extend inboard of said opposite major surfaces and across each end edge of said core to provide for innerconnection of the panel with another panel . . . each edge region being formed to include a pair of connecting elements which extend across the end edge of said core and which allow for interconnection of the panel with another panel . . . ."

Sanmartin does not teach or suggest a building panel that has metal sheet substrates "which are shaped to form edge regions of the panel" as recited by claims 14 and 15 of the present invention, since the sandwich panel of Sanmartin is a rigid multilayer structure that cannot be edge formed. Furthermore, Sanmartin does not teach or suggest a building panel having a "paper covering" bonded to a metal substrate, as recited by claims 14 and 15. To use such a paper covering would be completely inappropriate to achieve the thermal resistance desired in Sanmartin.

The PTO specifically cites Kreckel for teaching a paper bonded to a stainless steel panel. However, Kreckel does not teach or suggest a building panel that has metal sheet substrates which are shaped to form edge regions of the panel, as recited by claims 14 and 15 of the present invention. Thus, Kreckel cannot overcome the deficiencies of Sanmartin.

Moreover, there is no basis for combining the teachings of Sanmartin and Kreckel. Sanmartin relates to sandwich building panels designed for making multilayer structures resistant to impact and thermal aggressions with no disclosure or suggestion of a "paper covering" bonded to a metal substrate. Kreckel, on the other hand, relates to a pressure sensitive adhesive which can be used for mounting lightweight objects on vertical surfaces where it is imperative that the mounting process be completely reversible, i.e. the adhesive product must be removable from the substrate and the mounted object without leaving residue or damaging either of the surfaces, as stated at column 8, lines 29-46 of the disclosure. Since Kreckel does not relate to building panels and focuses primarily on a reversible mounting process, one of ordinary skill in the art would have no reason to combine the teachings of Kreckel with those of Sanmartin in the manner suggested by the Examiner when developing a building panel.

Since neither Sanmartin nor Kreckel discloses or suggests a "building panel of sandwich construction comprising a core and a metal sheet substrate . . . said metal sheets having a plasterboard paper covering bonded thereto, and wherein each said metal sheet includes opposite edges which are shaped to form edge regions of the panel, which extend inboard of said opposite major surfaces and across each end edge of said core to provide for innerconnection of the panel with another panel . . . each edge region being formed to include a pair of connecting elements which extend across the end edge of said core and which allow for interconnection of the panel with another panel," as recited by claims 14 and 15 and there is no basis to combine the teachings of the two references, applicant submits that the rejection under 35 U.S.C. § 103(a) is improper and should be withdrawn.

The rejection of claims 1-12, 16, 28-31, and 37 under 35 U.S.C. § 103(a) for obviousness over Harmon in view of Sanmartin and in further view of Kreckel is respectfully traversed.

Harmon discloses a modular building panel that has interlocking bead and groove conformations formed in mating interfitting tongue and socket structures and is provided with sealing strips for forming a fluid seal between adjacent assembled panels. The panels of Harmon have lateral extensions 20 and 23, where lateral extension 20 is arranged to resiliently flex over lateral extension 23, so that bead 18 of extension 23 can snap into groove 19 formed longitudinally inwardly of extension 20. The interconnection between panels in Harmon is, thus, provided only at the edges of the panels along the major faces thereof. In other words, the panels in Harmon rely on the structures of the lateral extensions 20 and 23 along the major faces (i.e., bead and groove) to provide the interconnection between adjacent panels and to apply the disclosed sealing strips, and does not have any interconnecting elements that are formed as a channel or a projection, as required by claims 1-12 and 16 of the present invention. Channels 16 and 17 of Harmon are planar and are not configured to interfit with each other as the channel and projection interconnecting elements of the present invention.

In addition, Harmon does not disclose a panel having interconnecting elements which form a load bearing region capable of accommodating loading applied to interconnected panels, as recited by claims 1-12 and 16 of the present invention. Although channels 16 and 17 of Harmon are said to be provided for structural stiffening of the modular edge portions, the interlocking panels of Harmon, as shown in Figure 4, have a generally

empty rectangular space existing between flanges 21 and 24 of lateral extensions 20 and 23, respectively, which would not have an appreciable load bearing capability. Harmon also does not suggest a panel having channel and projection interconnecting elements which form a load bearing region capable of accommodating loading applied to interconnected panels, since its main objective is to provide a interlocking panel with an improved sealing arrangement.

Furthermore, although Harmon discloses that the panels can be fabricated as composite structures utilizing thin sheet metal skins as the exterior components and having the interior substantially filled with suitable thermal insulating material, it does not teach the panel having a paper covered metal sheet for its major surface, as recited by claims 1-12 and 16 of the present invention. Harmon also does not suggest a panel having a paper covered metal sheet, since its main objective is to provide interconnected building panels which form a fluid impervious seal by attaching sealing strips to the panel structure.

Sanmartin discloses a sandwich panel for making multilayer structures resistant to impact and thermal aggressions. However, Sanmartin does not teach or suggest a building panel that is compatible with metal sheet substrates "which are shaped to form edge regions of the panel" as recited by claims 1-12 and 16 of the present invention, since the sandwich panel of Sanmartin is a rigid multilayer structure that cannot be edge formed. Sanmartin also does not teach or suggest a building panel including a "paper covering" bonded to a metal substrate, as required by the claims of the present invention.

Kreckel relates to a pressure sensitive adhesive which can be used for mounting lightweight objects on vertical surfaces without leaving residue or damaging either of the surfaces. However, Kreckel does not teach or suggest a building panel that has metal sheet substrates which are shaped to form edge regions of the panel, as recited by claims 1-12 and 16 of the present invention. Therefore, Kreckel cannot overcome the deficiencies of Harmon or Sanmartin.

In addition, neither Harmon nor Sanmartin, nor Kreckel discloses or suggests a building system including a building panel and a separate reinforcing element where the reinforcing element is secured in place by locating said reinforcing element between the interfitting connecting elements to conceal the reinforcing member which is operative to improve the load bearing characteristics of the interconnected panels, as recited by claims 28-31 of the present invention.

Harmon fails to disclose or suggest a building system including a building panel and a separate reinforcing element as recited by claims 28-31 of the present invention (which are dependent from claim 19) for substantially the reasons noted above on pages 7-9 of the applicant's response.

Sanmartin is cited for teaching a laminated building panel having a covering bonded to a metal substrate by a hot melt reactive adhesive. Kreckel is cited for teaching a paper covering bonded to a metal substrate. However, neither Sanmartin nor Kreckel even discusses building panels of the interlocking type, let alone suggest the use of separate reinforcing elements to improve the load bearing characteristics of interconnected panels. Therefore, neither Sanmartin nor Kreckel overcomes the above-noted deficiencies of Harmon.

Accordingly, applicant submits that the rejection under 35 U.S.C. § 103(a) is improper and should be withdrawn.

In view of the all of the foregoing, applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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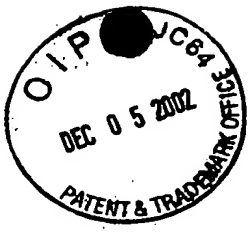

Appendix A

Version With Markings to Show Changes Made

In reference to the amendments made herein to the specification and claims 1, 19, and 21, additions appear as underlined text, while deletions appear as bracketed text, as indicated below:

In the Specification:

The section beginning at page 6, line 5 and ending at page 6, line 12 should be changed as follows:

In one form, the composite panel is designed to be able to receive a structural member which acts as a reinforcing element between its sheet structures. The [structural member] reinforcing element improves the load bearing capability of the panel and preferably comprises a metal beam.

In a particularly preferred form, the edge profiles are designed to be able to receive the [structural member] reinforcing element so that the [member] reinforcing element is contained within the connection between the adjacent panels and is fully concealed. In this way, a wall formed from the panels may be continuous across the [join] joint which contains the [structural member] reinforcing element.

The paragraph beginning at page 6, line 23 and ending at page 6a, line 8 should be changed as follows:

According to this aspect, the present invention provides a building system including a building panel and a reinforcing element, the building panel having spaced metal sheets interconnected by a core, said metal sheets defining opposite major surfaces of said panel, each of said metal sheets including opposite edge regions which form longitudinal edge regions of the panel, wherein at least one of the edge regions of the metal sheets on both opposite sides of the panel is profiled to form connecting elements, the connecting elements of the longitudinal edge regions of the panel being adapted to interfit with the connecting element of a respective one of the longitudinal edge regions of a like panel, the panel being configured such that the major surfaces of the interconnected panels are aligned and in

substantially abutting relationship to form a substantially continuous surface and wherein the reinforcing element is operative to be installed at the joint formed on connection of the panel with a like panel and is secured in place by locating between the interfitting connecting elements to form a concealed reinforcing [member] element which is operative to improve the load bearing characteristics of the interconnected panels.

The paragraph beginning at page 7, line 6 and ending at page 7, line 9 should be changed as follows:

The advantage of this aspect of the invention is that it provides a building panel with enhanced load bearing properties as compared to simple sandwich panels. Further, fully concealing the reinforcing [member] element enables continuous smooth surfaces on both sides of the panels to be obtained.

The section beginning at page 7, line 12 and ending at page 7, line 21 should be changed as follows:

In a particularly preferred form, the sheet structure includes longitudinal edge regions which are profiled to enable the panels to be connected in abutting relationship with a like panel in edge to edge relationship and the reinforcing [member] element is locatable within the joint formed at the abutting panels.

In a particularly preferred form, the panel is arranged to interlock with a like panel at the longitudinal edge regions. Preferably the longitudinal edge regions interlock with the reinforcing element. This arrangement has the advantage that if further increases the load bearing capability of the panel as the reinforcing [member] element and the profiled longitudinal edge regions can work together.

The paragraph beginning at page 8, line 9 and ending at page 8, line 11 should be changed as follows:

Figure 6 is a perspective view illustrating the connection of a variation of the panel of Figure 3 with a like panel and including an intermediate reinforcing [member] element;

The paragraph beginning at page 8, line 18 and ending at page 8, line 20 should be changed as follows:

Figure 10 is a perspective view illustrating the connection of a variation of the panel of Figure 3 with a like panel and including an intermediate reinforcing [member] element;

The paragraph beginning at page 13, line 12 and ending at page 13, line 26 should be changed as follows:

The coupling arrangement to join adjacent panels using the interfitting projections and recesses 32 and 33 provide an area of load bearing strength at the engaged edge regions. This has significant advantage as it improves the load bearing characteristics of the wall formed by the adjacent panels. In most applications, the interconnection of the panels gives the wall sufficient load bearing characteristics. If, however, additional load bearing strength is required in the constructed wall using the panels 20, a metal reinforcing [member] element 40 may be incorporated at the connection. One such example is illustrated in Figure 6 where the beam is formed from roll formed metal sheet 41 and incorporates oppositely disposed channels 42 and 43 which are arranged to interfit between the engaging projections and recesses (32 and 34) of the adjacent panels 20^{i} and 20^{ii}. The [member] reinforcing element 40 substantially improves the load bearing characteristics of the wall as, by virtue of its configuration and its engagement with the adjacent panels, it is able to accommodate substantial compressive loading.

The paragraph beginning at page 14, line 10 and ending at page 14, line 16 should be changed as follows:

Figure 10 illustrates a further variation of the panel 20. This panel includes many similar features to the earlier embodiments and accordingly like reference numerals have been given to like features. In a similar arrangement to the previous embodiments, the panel 20 includes longitudinal edge regions 24, 25 which are profiled to enable the panel 20 to interlock with a like panel. A reinforcing [member] element 40 is also arranged to interfit at the joint between adjacent panels.

The paragraph beginning at page 15, line 13 and ending at page 15, line 20 should be changed as follows:

The positive or snap fit between the male and female couplings occurs whether or not the reinforcing [member] element 40 is incorporated. The profile of the reinforcing [member] element 40 has inner surfaces 65 which matches that of the female couplings 33 and an outer surface 66 which matches that of the male coupling 32. As a result, the reinforcing [member] element 40 is able to snap fit into connection with the female couplings 33^{i} of a first panel 20^{i}. Once in place, the male couplings 32^{ii} of the like panel 20^{ii} is then able to locate into engagement with the inner surface 65 of the connected reinforcing [member] element 40.

The section beginning at page 15, line 30 and ending at page 16, line 17 should be changed as follows:

The composite panel 20 incorporating the profiled edges and the internal reinforcing [member] element 40 may be advantageously used in many aspects of building constructions including in interior as well as exterior wall structures, or in flooring or ceiling systems. Further, the choice of the surface materials used to form the outer faces 38, 39 of the panel will depend on the application of the panel. For example, if the panel is to be used as an internal partition wall, then the paper covering may be laminated to the metal substrate as described earlier so that the panel has a surface characteristic which is similar to that of plasterboard. Alternatively, the outer face of the panel may be exposed metal, such as stainless steel, which is suitable for use in operating theatres or the like. In this example, to reduce material cost, the stainless steel may be applied as a laminate to the metal substrate of the panel 20 or alternatively the substrate may be formed from solid stainless steel. It is to be appreciated that other surface configurations could be used as will be appreciated by those skilled in the art.

Figure 12 illustrates a further variation of the panel when used as part of a flooring system. In this arrangement the reinforcing [member] element 40 acts as an internal bearer thereby providing the required loading characteristics for the flooring system. In this arrangement the upper face 38 incorporates a timber veneer so as to give the impression of a timber floor.

In The Claims:

1. (Twice Amended) A building panel [including] of sandwich construction comprising a core and a metal sheet substrate [and a] fixed to opposite major faces of said core including opposite end edges which extend between and generally perpendicular to said opposite major faces thereof, at least one of said metal sheets having a plasterboard paper covering bonded [to said substrate, wherein said paper covered metal sheet forms a major surface of the panel] thereto, and wherein each said metal sheet includes opposite edges which are shaped to form edge regions of the panel, which extend inboard of said opposite major surfaces and across each end edge of said core to provide for interconnection of the panel with another panel and to form a load bearing region capable of accommodating loading applied to interconnected panels, each edge region being formed to include a pair of connecting [element] elements which [extends along that] extend across the end edge [region] of said core and which [allows] allow for interconnection of the panel with another panel, [one] the connecting [element] elements being formed as either a channel [and the other formed as] or a projection, the projection of one edge region being configured to interfit within the channel of the other edge region of said another panel [to form a load bearing region capable of accommodating loading applied to said interconnected panels], and wherein when interconnected, the major surfaces of the interconnected panels are aligned and generally in abutting relationship to form a substantially continuous exposed surface.

19. (Twice Amended) A building system including a building panel and a separate reinforcing element, the building panel comprising a core and having spaced metal sheets [interconnected by a core] fixed to opposite major faces of said core, said core including opposite end edges which extend between and generally perpendicular to said opposite major faces thereof, said metal sheets defining opposite major surfaces of said panel, each of said metal sheets including opposite edge regions which form longitudinal edge regions of the panel, wherein [at least one of the] said edge regions [of the metal sheets on both opposite edge regions] extend inwardly of said opposite major surfaces of said panel and across each end edge of said core to provide for interconnection of the panel with another panel and to form a load bearing region capable of accommodating loading applied to interconnected panels, and each edge region of the panel is profiled to form a pair of connecting elements which extend across the end edges of said core, the connecting elements

of the longitudinal edge regions of the panel being adapted to interfit with the connecting element of a respective one of the longitudinal edge regions of another panel, each connecting element being formed as either a channel or a projection which cooperate to interfit, the panel being configured such that the major surfaces of the interconnected panels are aligned and in substantially abutting relationship to form a substantially continuous surface and wherein the reinforcing element is operative to be installed at a joint formed on connection of the panel with said another panel and is secured in place by locating said reinforcing element between and in connection with the interfitting connecting elements of each panel to conceal the reinforcing [member] element which is operative to improve the load bearing characteristics of the interconnected panels.

21. (Three Times Amended) A building system according to claim 19, wherein the connecting elements are in the form of interfitting channels and projections [which are disposed along opposite edges of the panel], each channel incorporating opposite walls interconnected by a substantially flat base portion, and wherein each projection is shaped to interfit with the channel of said another panel and includes opposite walls interconnected by a substantially flat apical portion, and wherein said reinforcing element includes at least one engagement part which is generally U-shaped and located between said interfitting channel and projection of the interconnected panels.